

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

FILED BY  
*[Signature]*

JUL 21 2005

UNITED STATES OF AMERICA, )  
Plaintiff, )  
vs. )  
CHARLES R. SMITH, )  
Defendant. )

Cr. No. 05-20276 BY

Thomas M. Gould, Clerk  
U. S. District Court  
W. D. OF TN, Memphis

**INDICTMENT**

**THE GRAND JURY CHARGES:**

**INTRODUCTION**

1. During all times relevant to this indictment defendant **CHARLES R. SMITH** was a commissioned officer of the Memphis Police Department.
2. On or about August 25, 2004, defendant **CHARLES R. SMITH** reported to agents of the Federal Bureau of Investigation that he believed a certain Memphis Police Department officer was stealing money from drug dealers, and agreed to cooperate in the investigation of this particular officer for civil rights violations. The particular officer identified by defendant **CHARLES R. SMITH**, who became the target of the investigation, is referred to hereinafter as "target of the investigation."
3. After defendant **CHARLES R. SMITH** informed the Federal Bureau of Investigation of the alleged illegal activities of the target of the investigation, the defendant, **CHARLES R. SMITH**, began providing the target of the investigation with information regarding the investigation being conducted by the Federal Bureau of Investigation.

(1)

**COUNT 1**

4. The information contained in Paragraphs 1 through 3 herein is specifically incorporated in this count of the indictment by reference.

5. On or about September 10, 2004, in the Western District of Tennessee, the defendant,

**CHARLES R. SMITH**

did knowingly attempt to corruptly obstruct, influence and impede an official proceeding, to wit, an investigation conducted by the Federal Bureau of Investigation into violations of federal civil rights law, by informing the target of the investigation that he, the target of the investigation, had better "be careful" because the Federal Bureau of Investigation was going to "set up" the target of the investigation; all in violation of Title 18, United States Code, § 1512(c)(2).

**COUNT 2**

6. The information contained in Paragraphs 1 through 3 herein is specifically incorporated in this count of the indictment by reference.

7. On or about September 15, 2004, in the Western District of Tennessee, the defendant,

**CHARLES R. SMITH**

did knowingly attempt to corruptly obstruct, influence and impede an official proceeding, to wit, an investigation conducted by the Federal Bureau of Investigation into violations of federal civil rights law, by informing the target of the investigation that he, the target of the investigation, was going to be "set up" by the Federal Bureau of investigation with a search warrant, that the Federal Bureau of Investigation was going to station a car in front of a location that was going to be searched pursuant to a search warrant, that inside the car would be an informant who would have money on him, that the Federal Bureau of Investigation wanted to see if the target of the investigation would steal the money, and that the target of the investigation should not worry because the Federal Bureau of Investigation sting would not be conducted that week; all in violation of Title 18, United States Code, § 1512(c)(2).

**COUNT 3**

8. The information contained in Paragraphs 1 through 3 herein is specifically incorporated in this count of the indictment by reference.

9. On or about September 16, 2004, in the Western District of Tennessee, in a matter within the jurisdiction of the Federal Bureau of Investigation, a bureau of the United States Department of Justice, a department of the United States, the defendant,

----- **CHARLES R. SMITH** -----

knowingly and willfully made a false, fictitious and fraudulent material statement, in that the defendant, **CHARLES R. SMITH**, stated to an agent of the Federal Bureau of Investigation that he had never told anyone, other than a single specific individual, about a particular investigation conducted by the Federal Bureau of Investigation, when, in fact, the defendant, **CHARLES R. SMITH**, knew that he had told a second individual, specifically the target of the investigation, about the investigation, in violation of Title 18, United States Code, § 1001(a)(2).

**COUNT 4**

10. The information contained in Paragraphs 1 through 3 herein is specifically incorporated in this count of the indictment by reference.

11. On or about September 17, 2004, in the Western District of Tennessee, the defendant,

----- **CHARLES R. SMITH** -----

did knowingly attempt to corruptly obstruct, influence and impede an official proceeding, to wit, an investigation conducted by the Federal Bureau of Investigation into violations of federal civil rights law, by informing the target of the investigation that he, **CHARLES R. SMITH**, had just talked with the Federal Bureau of Investigation special agent that was running the investigation, and that the operation would take place in two weeks, that the Federal Bureau of Investigation was wiring-up a black Lincoln Navigator to use in the operation, and that the target of the investigation should not tell anyone what was going on; all in violation of Title 18, United States Code, § 1512(c)(2).

**COUNT 5**

12. The information contained in Paragraphs 1 through 3 herein is specifically incorporated in this count of the indictment by reference.

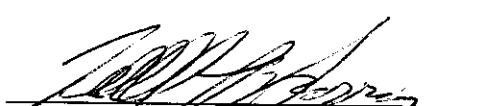
13. On or about September 17, 2004, in the Western District of Tennessee, the defendant,

----- **CHARLES R. SMITH** -----

did knowingly attempt to corruptly obstruct, influence and impede an official proceeding, to wit, an investigation conducted by the Federal Bureau of Investigation into violations of federal civil rights law, by informing the target of the investigation about the investigation and the investigative techniques to be utilized by the Federal Bureau of Investigation during the investigation; all in violation of Title 18, United States Code, § 1512(c)(2).

A TRUE BILL

  
\_\_\_\_\_  
Grand Jury Foreperson

  
\_\_\_\_\_  
Terrell L. Harris  
United States Attorney  
Western District of Tennessee

DATED: 7-20-05

No. 1287

UNITED STATES DISTRICT COURT

WESTERN

*District of*

TENNESSEE

Criminal Division

THE UNITED STATES OF AMERICA

VS.

## INDICTMENT

a true bill.

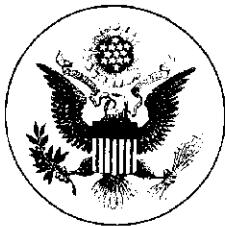
Foremar

Filed in open court this 21<sup>st</sup> day, of July, A.D. 2005

Clerk

Baij, 8

Filed in open court this



# Notice of Distribution

This notice confirms a copy of the document docketed as number 1 in case 2:05-CR-20276 was distributed by fax, mail, or direct printing on August 22, 2005 to the parties listed.

---

Joseph C. Murphy  
U.S. ATTORNEY'S OFFICE  
167 N. Main St.  
Ste. 800  
Memphis, TN 38103

Honorable J. Breen  
US DISTRICT COURT